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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION No. 2193 of 2001.

PETITIONER : Mahendra Singh, aged 32 years, s/o Shri Chhotelal Singh R/o village and Post Sonwari, Tah. Maihar Distt. Satna Through Attorney Shri N.B.Singh R/o Village and P ost Sonwari Tah. Maihar Dist. Satna.

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through Principal Secretary, P.W.D. D.K.Complex, Raipur.
2. The Chief Engineer, P.W.D. Near Akashwani, Raipur.
3. The Superintending Engineer, P.W.D., Bastar Circle, Jagdalpur Bastar (C.G.)
4. The Executive Engineer P.W.D. South Bastar Division, Dantewada Bastar (C.G.)
5. The State of Madhya Pradesh Through Principal Secretary Ministry of P.W.D. Vallabh Bhawan, Bhopal (M.P.)
6. The Engineer in Chief, P.W.D. Satpuda Bhawan, Bhopal.
7. Ajay Kumar Mishra, aged about 47 years, s/o Shri Not known, R/o Jagdalpur (C.G.)

Present: Shri Sourab Dangi, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State/respondent No. 1 to 4.
None for respondent No. 5 to 7.

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ORDER
(Passed on 13th March 2007)

1. By this petition, the petitioner has sought for a direction to quash Annexure P/1, dated 20.05.1999 whereunder the representation of the petitioner was dismissed.

2. Before this, the petitioner has filed a writ petition being W.P. No. 641/1998 before the High Court of M.P. at Jabalpur seeking for refund of the earnest money amounting to Rs. 1,05,000/- which was forfeited. The same relief is sought in this petition as prayer no 7.B and 7-C. The High Court of Madhya Pradesh vide order dated 24.02.1998 dismissed the petition on the ground that appropriate forum for the petitioner would be to approach the Engineer-in-Chief who would consider the matter on merit and decide the same. The Engineer-in-Chief vide order dated, 20.05.1999 (Annexure P/1) held that the petitioner was a bidder and his bid was accepted as per clause 15 of the auction notice, the bidder is under an obligation to accept the auction, failing which the earnest money was to be forfeited. The order impugned dated 20.05.1999 is passed in accordance with clause 15 of the tender notice dated 6.2.1996.

3. The contention of the petitioner, that he was not a direct bidder is contrary to the facts, and the same is rejected. On perusal of the papers, it is clearly proved that the earnest money was deposited by

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the petitioner as being direct bidder and thereafter the petitioner declined to perform his part as provided under auction notice. In consequence thereof, the earnest money was forfeited. The same is just, legal and proper.

4. In view of the above, the petition is devoid of merit and deserves to be and is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit